

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW MEXICO UNITED FOOD AND
COMMERCIAL WORKERS UNION'S AND
EMPLOYERS' HEALTH AND WELFARE TRUST
FUND, on behalf of itself and all others similarly
situated,

Plaintiff,

v.

PURDUE PHARMA L.P., PURDUE PHARMA,
INC., THE PURDUE FREDERICK COMPANY,
INC. d/b/a THE PURDUE FREDERICK
COMPANY, P.F. LABORATORIES, INC.,
ABBOTT LABORATORIES, ABBOTT
LABORATORIES, INC., MICHAEL FRIEDMAN,
HOWARD R. UDELL, PAUL D. GOLDENHEIM,
JOHN DOE Nos. 1 through 20, and JANE DOE Nos.
1 through 20,

Defendants.

Civil Action No. 07-cv-6916-JGK

MOTION TO ADMIT COUNSEL
PRO HAC VICE

FILED
2007 NOV - 1 AM 10:50
S.D. OF N.Y.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Christopher A. Seeger, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

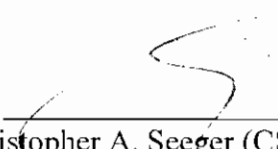
James R. Dugan, II
Murray Law Firm
650 Poydras Street
Suite 2150
New Orleans, Louisiana
Telephone: (504) 648-0180
Fax: (504) 648-0181

James R. Dugan, II is a member in good standing of the Bar of the State of Louisiana. There are no pending disciplinary proceedings against him in any State or Federal Court. Attached hereto as Exhibit 1 is Mr. Dugan's Affidavit, with Exhibit A, an original Certificate of Good Standing from the Louisiana Supreme Court.

Dated: October 31, 2007

Respectfully Submitted,

SEEGER WEISS LLP

By: 

Christopher A. Seeger (CS-4880)
One William Street
New York, NY 10004
Telephone: (212) 584-0700
Facsimile: (212) 584-0799

Counsel for Plaintiff and the Class

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**AFFIDAVIT OF CHRISTOPHER
A. SEEGER IN SUPPORT OF
MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

State of New York)
)ss:
County of New York)

Christopher A. Seeger, being duly sworn, hereby deposes and says as follows:

1. I am a member of Seeger Wiess LLP, counsel for Movant, New Mexico United Food and Commercial Workers Union's and Employers' Health and Welfare Trust Fund ("Movant"), in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Movant's motion to admit James R. Dugan, II as counsel *pro hac vice* to represent Movant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1990. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known James R. Dugan, II since 1998.

4. I have found Mr. Dugan to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Accordingly, I am pleased to move the admission of James R. Dugan, II, *pro hac vice*.

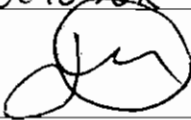
6. I respectfully submit a proposed order granting the admission of James R. Dugan, II, *pro hac vice*, which is attached hereto.

WHEREFORE, it is respectfully requested that the motion to admit James R. Dugan, II, *pro hac vice*, to represent Movants in the above-captioned matter, be granted.



Christopher A. Seeger

Sworn before me this 31st day
of OCTOBER, 2007



NOTARY PUBLIC

Jose D. Mora
Notary Public State of New York
No. 03-0062383 Qualified in Bronx County
Certificate Filed in New York County
Commission Expires August 6, 2009

**UNITED STATES DISTRICT COURT
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Defendants.

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**AFFIDAVIT OF JAMES
R.DUGAN, II, ESQUIRE**

I, James R. Dugan, II, Esquire, an associate of Murray Law Firm, declare the following under penalty of perjury:

1. I am a member in good standing of the bars of the State of Louisiana and am admitted to practice before the United States District Courts for the Eastern District of Louisiana, the Middle District of Louisiana and the Western District of Louisiana. I have never been disciplined, suspended or disbarred by these or any other Court.

2. Attached hereto are Certificates attesting to my admission dates and that I am a member in good standing in the bar of the State of Louisiana.

3. I have extensive experience in state and federal trial courts. I also have extensive experience in pharmaceutical litigation, representing individuals, consumers, and third party payors against numerous pharmaceutical companies, including representing BlueCross

BlueShield of Louisiana in cases against the manufacturers of Synthroid, Fen-Phen, Rezulin, Neurontin and most recently Vioxx. In addition, I represent the Louisiana Attorney General in the Vioxx, Bextra/Celebrex, Rezulin, and Baycol litigations to recoup medical costs the state medicaid program expended over those drugs. I also represented the Louisiana Attorney General in the Synthroid litigation to recoup medical costs the state medicaid program expended over that drug. As a result of my demonstrated skill and experience in my class action and mass tort practice, I was appointed by the court to serve in key leadership positions in a number of large, national class action cases, which include *In Re: Synthroid Marketing Litigation*, MDL 1182, where I served as co-lead counsel in this national class action on behalf of third-party payors that were overcharged for the thyroid medication Synthroid; *In Re: Diet Drugs Litigation*, MDL 1203, where I participated as co-lead counsel for a large group of individually represented third-party payors; *In Re: Propulsid Litigation*, MDL 1355, where I served on the Plaintiffs' Steering Committee; *In Re: Rezulin Products Liability Litigation*, MDL 1348, where I was appointed by the Court as Liaison Counsel to a class of third party payors; *In Re: Inter-Op Hip Prosthesis Product Liability Litigation*, MDL 1401, where I served as a member on the Plaintiffs' Steering Committee; and, *In Re: Baycol Products Liability Litigation*, MDL 1431; *In Re: Meridia Products Liability Litigation*, MDL 1481; and *In Re: Serzone Products Liability Litigation*, MDL 1477, where I also was appointed to the Plaintiffs' Steering Committee in these defective drug cases. In the *In Re: Neurontin Marketing & Sales Practices Litigation*, MDL 1629, I am a member of the Plaintiffs' Steering Committee on behalf of end payors who are seeking a refund of monies for payments of illegal off-label promotion and use of the drug Neurontin. In the *In Re: Vioxx Litigation*, MDL 1657, I was appointed by the Plaintiffs' Steering Committee to co-chair the Purchasing Claim Committee on behalf of end payors. In the *In Re: Zyprexa Product*

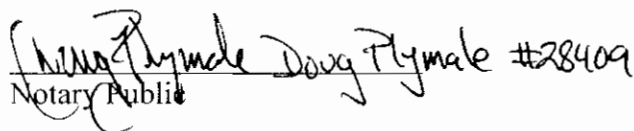
Liability Litigation, MDL 1596, I am co-lead counsel on behalf of end payors who are seeking a refund of monies for payments of illegal off-label promotion and use of the drug Zyprexa. In the *In Re: Fosamax Product Liability Litigation*, MDL 1769, I am a member of the Plaintiffs' Steering Committee. *In Re: Oxycontin Antitrust Litigation*, MDL 1603, where I am co-lead counsel; and *In Re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407.

In addition to Federal MDL appointments, I am lead counsel in the following Louisiana State Court class action cases, *USAgencies Casualty Insurance Company, Inc., et al v. Bridgestone/Firestone, Inc.* for a class of property damage insurers recouping costs paid out due to Firestone tire rollover property damage cases; *Roxy Wright, Rosalie F. Miranda, et al v. Tenet Louisiana, Inc., et al*, for a class of uninsured patients who were billed excessive charges for hospital care; *Rose Goudeau, et al v. The Administrators of the Tulane Educational Fund, et al*, for a class of family members whose loved ones donated their bodies to the Tulane Willed Body Program but were sold by Tulane to third parties for profit. Accordingly, New Mexico UFCW Union's and Employers' Health and Welfare Trust Fund has asked that I serve as co-counsel.

4. Based upon the foregoing, I respectfully request admission to this Court, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for Southern District and Eastern District of New York, for the purpose of appearing and arguing on behalf of plaintiff, which is represented by the firm, Seeger Weiss LLP.


James R. Dugan, II

Sworn before me this 19th day
of October, 2007


Notary Public

United States of America

State of Louisiana

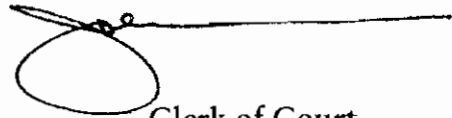
Supreme Court of the State of Louisiana

I, JOHN TARLTON OLIVIER, Clerk of the Supreme Court of the State of Louisiana, do hereby certify that

JAMES RANDOLPH DUGAN, II ESQ., #24785

was duly admitted and licensed to practice as an attorney and counselor at law in this Court and the several courts of the State of Louisiana, on the 18th Day of April, 1997 A.D.; and is currently in good standing, and sufficiently qualified to perform the duties of an attorney and counselor at law.

IN WITNESS WHEREOF, I hereunto sign
my name and affix the seal of this Court,
at the City of New Orleans, this the 12th
Day of October, 2007, A.D.



Clerk of Court
Supreme Court of Louisiana

CERTIFICATE OF SERVICE

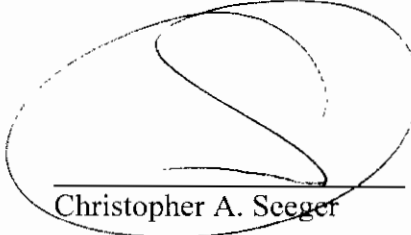
I, Christopher A. Seeger, hereby certify that on October 24, 2007, I caused a true and correct copy of the foregoing document, *Motion to Admit Counsel Pro Hac Vice*, to be served via U.S. mail, with proper postage prepaid, on all counsel of record at the following addresses:

Michael Colbert Hartmere, Esq.
Matthew Terrence McLaughlin, Esq.
VENABLE (NYC)
405 Lexington Ave, 62nd Floor
New York, NY 10174
T. (212)-307-5500
F. (212)-307-5598 (fax)

Counsel for defendants Abbott Laboratories, Abbott Laboratories, Inc.

Alexandra Katherine Nello, Esq.
Donald I. Strauber, Esq.
Phoebe Anne Wilkinson, Esq.
Mary Therese Yelenick, Esq.
CHADBOURNE & PARKE LLP (NY)
30 Rockefeller Plaza
New York, NY 10112
T. (212) 408-5100
F. (646) 710-1189

Counsel for defendants P.F. Laboratories, Inc., Purdue Pharma, Inc., Purdue Pharma, L.P., The Purdue Fredrick Company, Inc., Howard R. Udell, Michael Friedman, Paul D. Goldenheim



Christopher A. Seeger

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**ORDER FOR ADMISSION
PRO HAC VICE ON
WRITTEN MOTION**

Upon the motion of Christopher A. Seeger, attorney for New Mexico United Food and Commercial Workers Union's and Employers' Health and Welfare Trust Fund, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

James R. Dugan, II
Murray Law Firm
650 Poydras Street
Suite 2150
New Orleans, Louisiana
Telephone: (504) 648-0180
Fax: (504) 648-0181
Email: jdugan@dugan-lawfirm.com

is admitted to practice *pro hac vice* as counsel for New Mexico United Food and Commercial Workers Union's and Employers' Health and Welfare Trust Fund in the above-captioned case in

the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: October __, 2007
New York, New York

United States District Court Judge